UNITED ST	ATES DISTRICT COURT	U.S. DISTRICT COURT DISTRICT OF VERMON FILED
DISTR	FOR THE UCT OF VERMONT	2025 FEB 18 PM 3: 53
GERARDO PARRA MARTINEZ,	)	DEPUTY PAERK
Plaintiff,	)	DEFOUT A SERK
v.	) Case No. 2:24-0	ev-1007
ANDREW DAVIDSON,1	)	
Defendant.	)	

## DISMISSAL ORDER

A review of the docket in this case reveals the following:

- 1. On September 16, 2024, Plaintiff filed a Complaint against the Director of the United States Citizenship and Immigration Services. Plaintiff paid the filing fee and filed a Notice of Pro Se Appearance. Summonses were issued the next day.
- 2. On January 14, 2025, the court ordered Plaintiff to file proof of timely service or to show good cause for the failure to serve process on or before February 7, 2025. Plaintiff was warned that if he "should fail to respond, the case must be dismissed under Rule 4(m)." (Doc. 3 at 2.)
- 3. No further filings have been received as of the date of this Order.

Federal Rule of Civil Procedure 4(m) states that "[i]f a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time." Fed. R. Civ. P. 4(m). Rule 4(l)(1) requires proof of service of the summons be made to the court.

<sup>&</sup>lt;sup>1</sup> Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, the successor to the originally named defendant has been automatically substituted: Andrew Davidson is now the Acting Director of the USCIS and is substituted for former USCIS Director Ur M. Jaddou.

On January 14, 2025, over ninety days after the Complaint was filed, Plaintiff was ordered to file proof of timely service or to show good cause for the failure to serve Defendant. Plaintiff was warned that, should he fail to respond, the case must be dismissed.

Because this case was filed over five months ago, Plaintiff has failed to provide proof of timely service as to Defendant, and Plaintiff has not filed a response to the January 14, 2025 Order demonstrating proof of service or good cause for the failure to timely serve Defendant, this case must be DISMISSED WITHOUT PREJUDICE under Rule 4(m).

SO ORDERED.

Dated at Burlington, in the District of Vermont, this 18<sup>th</sup> day of February, 2025.

/s/ Geoffrey W. Crawford
District Judge
United States District Court